

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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LOMBARDO MARINE LTD.,

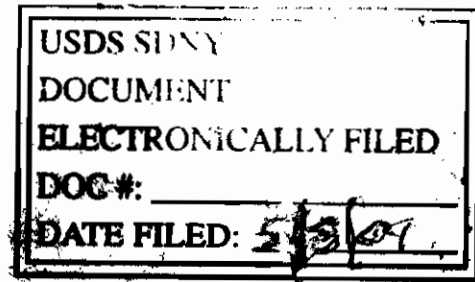
Plaintiff,

- against -

W.J. GRAIN LTD.,

Defendant.
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NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE



ORDER

07 Civ. 9934 (NRB)

WHEREAS the complaint in this action was filed on November 9, 2007; and

WHEREAS Process of Maritime Attachment and Garnishment was issued against, inter alia, funds and property belonging to, due or being transferred to, from or for the benefit of defendants in the amount of \$150,000 pursuant to Rule B of the Supplemental Rules for Admiralty or Maritime Claims of the Federal Rules of Civil Procedure on November 13, 2007; and


WHEREAS plaintiff notified the Court in a letter dated December 28, 2007 that plaintiff has commenced arbitration in this matter and that the full \$150,000 has been restrained; it is hereby

ORDERED that plaintiff shall within twenty (20) days of this Order inform the Court in writing whether it has arranged with defendants and/or any third party to establish a separate

escrow account into which to transfer funds in the amount of the attached assets, or to pay such funds into the Registry of the Court; and it is further

ORDERED that if such an arrangement can be reached, then this case will be dismissed without prejudice, and, upon request by plaintiff, the case will be reopened for the purpose of any necessary proceeding to enforce any judgment or arbitration award rendered in connection with a resolution on the merits of the dispute that is the subject of this action.

Dated: New York, New York
May 7, 2009


NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE

A copy of the foregoing Order has been mailed on this date to the following:

Attorney for Plaintiff

Thomas H. Belknap, Jr., Esq.
Blank Rome, LLP
405 Lexington Avenue
New York, NY 10174